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Docket No. CRD5061USNP0

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donald K. Jones, et al.

Serial No.: 10/738,473

Art Unit: 3763

Filed

: December 17, 2003

Examiner: Aamer S. Ahmed

For

: Activatable Bioactive Vascular

Occlusive Device And Method Of Use

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 27, 2005 (Date of Deposit)

Henry W. Collins

(Name of applicant, assignee, or Registered Representative)

July 27, 2005

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on August 4, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

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information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required. In accordance with \$1.129(a), this Information Disclosure Statement is being filed in connection with \square the first or \square second After Final Submission, therefore: Statement in Accordance with §1.97(e) П (attached); or Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p).

In accordance with \$1.97(c), this Information Disclosure Statement is being filed after the period set forth in \$1.97(b) above but before the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

Statement in Accordance with §1.97(e) Ø (attached); or Please charge Deposit Account No. 10- \Box / the fee of \$180.00 as set forth in \$1.17(p). In accordance with §1.97(d), this Information \Box Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p). Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith. Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT: \Box In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. \Box If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request. Copies of only foreign patent documents and non- \boxtimes patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2).

En	There are no listed references which are not in the nglish language.
nc	The relevance of those listed references which are of in the English language is as follows:
	Attached are copies of search report(s) from orresponding patent application(s), which are listed on the stached Submission Under MPEP 609 D. Copies of the referenced listed on the search report
	ailed August 4, 2004.
_	Attached are the following non-published pending atent applications which may be deemed relevant, which are isted on the attached Submission Under MPEP 609 D.
	Please charge any deficiency or credit any overpayment to eposit Account No. 10-0750/CRD5061USNP0/HWC. This form is abmitted in triplicate.
Jc Or N∈ (7	Respectfully submitted. Henry W. Collins Reg. No. 25,039 Attorney for Applicants The Johnson & Johnson Plaza Rew Brunswick, NJ 08933-7003 Reg. No. 25,039 Attorney for Applicants The Johnson & Johnson Plaza Rew Brunswick, NJ 08933-7003 Reg. No. 25,039 Attorney for Applicants The Johnson & Johnson Plaza Respectfully submitted. Henry W. Collins Reg. No. 25,039 Attorney for Applicants The Johnson & Johnson Plaza Rew Brunswick, NJ 08933-7003 Reg. No. 25,039 Attorney for Applicants The Johnson & Johnson Plaza Respectfully submitted.

PTO/SB/08A (08-00)

Approved for use through 10/31/2002, OMB 0651-0031
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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary) Sheet 1 of 1

Application Number	10/738,473		
Filing Date	December 17, 2003		
First Named Inventor	Donald K. Jones, et al.		
Group Art Unit	3763		
Examiner Name	A.S. Ahmed		
Attorney Docket Number	CRD5061USNP0		

				U.S. PATENT DOCUMENTS		
Examiner Initials	Cite No. ¹	U.S. Patent Document Kind Code ² Number (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		5,695,480	Α	Evans et al.	12-09-1997	
		6,599,275	B1	Fischer, Jr.	07-29-2003	
		2003/017190	A1	Sirhan Motasim et al.	01-23-2003	
	<u> </u>					
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FOREIGN PATENT DOCUMENTS						

				FOR	EIGN PATENT DOCUMENTS			
		Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
Examiner Initials	Cite							
made	No. ¹	Office ³ KindCo	Number⁴ de⁵					
		EP	1 369 137	A	Mark Mitchnick	12-10-2003		
		wo	02/083039	A1	Advanced Cardiovascular Systems, Inc.	10-24-2002		

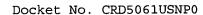
Examiner	Date	
Signature	 Considered	

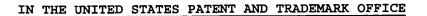
Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter

code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document, 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.





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Henry W. Collins (Name of applicant, assignee, or Registered Representative)

July 27, 2005

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. §1.97(e)

In accordance with 37 C.F.R. $\S 1.97(e)$, certification is hereby made that:

Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement, was known to any individual designated in \$1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Henry W. Collins Reg. No. 25,039

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (786) 313-2707

DATED: July 27, 2005



SUBMISSION UNDER MPEP 609 D

Page 1 of 1

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FOREIGN PATENT DOCUMENTS Foreign Patent Document Pages, Columns, Lines, where relevant passages or relevant figures appear Name of Patentee or Examiner Cite T6 Applicant of Cited Document Office³ Number⁴ KindCode⁵ Initials No.1 OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), Cite No.1 T² Examiner volume-issue number(s), publisher, city and/or country where published Initials* European Search Report dated April 11, 2005 for corresponding Appln. No. EP 04 25 7859

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Examiner		Date	
Signature		Considered	